

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TV-091665
)	
Complainant,	)	ORDER 02
)	
v.	)	FINAL ORDER GRANTING
	)	PETITION FOR REVIEW AND
ABIZER A. RAJ & AMAR S. DOSANJH	)	REVERSING INITIAL ORDER, IN
d/b/a A & A MOVING AND DELIVERY,	)	PART, AS TO MASKELYNE
BARNOLI, INC., ANDY CHEN d/b/a	)	TRANSFER & STORAGE, INC.;
HING'S PROFESSIONAL MOVING,	)	DENYING PETITION FOR
MASKELYNE TRANSFER & STORAGE,	)	REVIEW AND AFFIRMING AND
INC., ORCA MOVING SYSTEMS, LLC,	)	ADOPTING INITIAL ORDER, IN
T & S TRANSPORTATION &	)	PART, AS TO T & S
INSTALLATION, INC., and T & T MILK	)	TRANSPORTATION &
TRANSPORT, INC.,	)	INSTALLATION, INC., AND
	)	REMAINING CARRIERS
Respondents.)	
.....)	

1 **Synopsis:** *This Final Order grants the Petition for Administrative Review of Maskelyne Transfer & Storage, Inc., reverses the Initial Order, in part, and dismisses the complaint against Maskelyne. The Order denies the Petition for Administrative Review filed by T & S Transportation & Installation, Inc., and affirms the Initial Order with regard to T & S. Therefore, this Order cancels the household goods carrier permits of Abizer A. Raj & Amar S. Dosanth d/b/a A & A Moving and Delivery; Barnoli, Inc.; Orca Moving Systems, LLC; T & S Transportation & Installation, Inc.; and T & T Milk Transport, Inc. This Order dismisses the Complaint against Andy Chen d/b/a Hing's Professional Moving and Maskelyne Transfer & Storage, Inc.*

2 **NATURE OF THE PROCEEDING:** In this proceeding the Washington Utilities and Transportation Commission (Commission) filed a complaint against seven household goods carriers, requiring the companies to appear and show good cause

why the Commission should not cancel their permits for failure to submit annual reports for 2008 and failure to pay regulatory fees for 2009.

3 **INITIAL ORDER:** Following notice to the carriers, and a hearing held on February 1, 2010, Administrative Law Judge Adam E. Torem entered an Initial Order, Order 01 in this proceeding, on February 3, 2010, proposing that the Complaint against Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, Barnoli, Inc., Maskelyne Transfer & Storage, Inc. (Maskelyne or the Company), Orca Moving Systems, LLC, T & S Transportation & Installation, Inc. (T&S), and T & T Milk Transport, Inc., be granted and the household goods carrier permits of these six companies be revoked for failure to file an annual report and failure to comply with reporting and fee requirements. The Initial Order also recommended that the Complaint be dismissed against Andy Chen d/b/a Hing's Professional Moving (Hing's) as this company complied with the requirements for filing annual reports and paying regulatory fees prior to the scheduled hearing.

4 **PETITIONS FOR REVIEW.** Maskelyne timely filed a Petition for Administrative Review (Maskelyne's Petition) on February 8, 2010.¹ Maskelyne explains in its Petition that it received a telephone call from Commission Staff in December 2009 stating that the Company's annual report was due.² Maskelyne claims that it signed and dated its 2008 Annual Report on December 27, 2009, and mailed it to the Commission on December 28, 2009, or the following day.³ Maskelyne admits that the Company's representative downloaded the incorrect form from the Commission's website and did not remit its fees as a result.⁴ Maskelyne located the Company's 2008 Annual Report, dated December 27, 2009, and has provided it to the Commission Staff along with its regulatory fees. Maskelyne indicates that the

¹ Parties have 20 days in which to petition for administrative review of an initial order under WAC 480-07-825(2). In this case, petitions were due on February 23, 2010.

² *Washington Utilities and Transportation Commission v. Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, et al.*, Petition of Maskelyne Transfer & Storage, Inc. for Administrative Review, Docket UT-091665 (February 8, 2010).

³ *Id.*

⁴ *Id.* Michael Schab, president of Maskelyne, indicates that he downloaded the fee schedule for ferries instead of household goods carriers.

Company's President, Michael Schab, had health problems in 2009, that the Company was greatly affected by the recession, and that the Company has had to let all of its employees go. According to Maskelyne, the Company currently only operates its storage business and has both the transportation and storage businesses for sale.

- 5 T & S timely filed a Petition for Administrative Review (T & S's Petition) on February 10, 2010. T & S states that it possesses a cancelled check, payable to the Commission, dated September 22, 2008, for \$219.30.⁵ Ray Tanner, T & S's representative, indicates that he is unable to locate the paperwork that verifies the check's function.⁶ T & S asserts that it has paid an outstanding \$200 late fee and has filed its 2008 Annual Report.⁷

- 6 **COMMISSION STAFF'S RESPONSES TO PETITIONS FOR ADMINISTRATIVE REVIEW.** On February 17, 2010, Commission Staff⁸ filed a response to Maskelyne's Petition. Staff states that it is not opposed to Maskelyne's Petition and that it is not opposed to rescinding cancellation of Maskelyne's carrier permit.⁹ Staff asserts that it has no explanation as to why the Commission did not receive Maskelyne's 2008 Annual Report that the Company says it mailed to the Commission.¹⁰ However, Staff points out that it has no reason to doubt Maskelyne's

⁵*Washington Utilities and Transportation Commission v. Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, et al.*, T & S Transportation & Installation, Inc.'s Petition for Administrative Review, Docket TV-091665 (February 10, 2010).

⁶*Id.*

⁷*Id.*

⁸ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

⁹*Washington Utilities and Transportation Commission v. Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery., et al.*, Commission Staff's Answer to Maskelyne Transfer & Storage, Inc.'s Petition for Administrative Review, ¶ 6, Docket UT-091665 (February 17, 2010).

¹⁰*Id.* ¶ 3.

assertion.¹¹ Staff does note that, had Maskelyne verified with the Commission that the Company's 2008 Annual Report had been received, confusion might have been avoided.¹² Commission Staff concurs that the Commission has received Maskelyne's Annual Report.¹³ Staff maintains that Maskelyne has also remitted the correct regulatory fees and that Maskelyne is now in compliance with the Commission's regulations.¹⁴

7 Commission Staff also filed a response to T & S's Petition on February 18, 2010. Staff states that it does not support T & S's Petition and believes the original findings in the Initial Order are correct with regard to this carrier.¹⁵ Staff notes that T & S fails to identify any finding of fact or conclusion of law that was in error.¹⁶ Further, the cancelled check from 2008 referenced by T & S is irrelevant since the carrier's compliance with the Commission's regulations from that year is not in question.¹⁷ Staff is equally perplexed by T & S's reference to a \$200 late fee.¹⁸ Staff also points out that T & S has not explained its failure to file its 2008 Annual Report, including late fees, prior to hearing.¹⁹

8 **COMMISSION DISCUSSION AND DECISION.** The Commission has reviewed the petitions for administrative review, the responses to the petitions, the Initial Order,

¹¹*Id.*

¹²*Id.*

¹³*Id.*

¹⁴*Id.* ¶ 4.

¹⁵*Washington Utilities and Transportation Commission v. Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, et. al.*, Commission Staff's Response to T & S Transportation and Installation, Inc.'s Petition for Administrative Review, 2, Docket TV-091665 (February 18, 2010).

¹⁶*Id.*

¹⁷ *Id.*

¹⁸ *Id.* Staff suspects that T & S has mistakenly associated a prior docket related to a penalty assessment with the instant docket.

¹⁹ *Id.* at 3.

and the evidence of record. The Commission concludes that the petition for administrative review filed by Maskelyne should be granted, and the Company should be dismissed from the proceeding. Commission Staff does not oppose Maskelyne's Petition. In addition, the Company did file its 2008 Annual Report, albeit late, in advance of the hearing. The Commission agrees with Staff and will grant Maskelyne's Petition.

- 9 With regard to T & S, the carrier has offered no explanation as to why it waited until after the February 3, 2010, hearing and after the issuance of the Initial Order to question its failure to comply with the Commission's reporting and assessment regulations. It is the carriers' responsibility to maintain full compliance with the law. We find that T & S has failed to comply with the Commission's reporting and regulatory fee regulations and has failed to demonstrate any error in the Initial Order or any reason why we should grant its Petition. We conclude that the carrier's petition should be denied.
- 10 In all other respects, the Commission accepts the findings of fact and conclusions of law set forth in the Initial Order as its own, for purposes of this proceeding.

ORDER

THE COMMISSION ORDERS:

- 11 (1) The Commission grants the Petition for Administrative Review filed by Maskelyne Transfer & Storage, Inc., dismisses the Complaint in this proceeding against Maskelyne Transfer & Storage, Inc., and reverses the findings of fact and conclusions of law in the Initial Order concerning Maskelyne Transfer & Storage, Inc.
- 12 (2) The Commission denies the Petition for Administrative Review filed by T & S Transportation & Installation, Inc., upholds the findings of the Initial Order and cancels T & S Transportation & Installation, Inc.'s household goods carrier permit.
- 13 (3) In all other respects, the Commission accepts the findings of fact and conclusions of law set forth in the Initial Order as its own, for purposes of this

proceeding, cancels the household goods carrier permits of Abizer A. Raj & Amar S. Dosanth d/b/a A & A Moving and Delivery; Barnoli, Inc.; Orca Moving Systems, LLC; T & S Transportation & Installation, Inc.; and T & T Milk Transport, Inc., and dismisses the Complaint against Andy Chen d/b/a Hing's Professional Moving and Maskelyne Transfer & Storage, Inc.

DATED at Olympia, Washington, and effective March 4, 2010.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

JEFFREY D. GOLTZ, Chairman

PATRICK J. OSHIE, Commissioner

PHILIP B. JONES, Commissioner

NOTICE TO PARTIES: This is a final order of the Commission. In addition to judicial review, administrative relief may be available through a petition for reconsideration, filed within 10 days of the service of this order pursuant to RCW 34.05.470 and WAC 480-07-850, or a petition for rehearing pursuant to RCW 80.04.200 and WAC 480-07-870.